

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

PAUL WEBBER

PETITIONER

VS.

CIVIL ACTION NO. 5:05-cv-14 (DCB) (JCS)

CONSTANCE REESE, Warden FCC-Yazoo City

RESPONDENT

ORDER

This cause is before the Court on the petitioner's Motion to Stay or Recall (**docket entry no. 15**), which the Court construes as a motion to reconsider. Having reviewed the motion, the record in this case, and being otherwise fully advised in the premises, the Court finds as follows:

On January 20, 2005, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. In the Report and Recommendation entered on September 29, 2005, the Magistrate Judge found that the petitioner's motion challenges the validity of the sentence that he received and that this Court is therefore without jurisdiction, because the challenge should be properly brought pursuant to 28 U.S.C. § 2255. This Court adopted the Magistrate Judge's Report and Recommendation on October 28, 2005, and the case was dismissed on that date.

The Court finds nothing in the petitioner's motion that would cause it to modify its Final Judgment. Accordingly,

IT IS HEREBY ORDERED that the petitioner's Motion to Stay or Recall (**docket entry no. 15**), which the Court construes as a motion

to reconsider, is DENIED;

SO ORDERED, this the 28th day of September, 2006.

S/DAVID BRAMLETT

UNITED STATES DISTRICT JUDGE